

MEMORANDUM ON SEALED AND CONFIDENTIAL MATERIALS

ELECTRONIC AVAILABILITY OF CASE INFORMATION: The Court's docket and opinions are available in electronic form on the Court's Internet site, www.ca4.uscourts.gov. Although a party's filings are not posted to the Court's Internet site, the case caption and other information in the Court's electronic docket and opinions are derived from the parties' filings, and briefs may be imaged and posted to Internet sites maintained by other organizations. To protect personal privacy, parties should not include, or should partially redact where inclusion is necessary, the following personal data identifiers:

- Social Security Numbers: Use last four digits only.
- Names of Minor Children: Use initials only.
- Dates of Birth: Use year only.
- Financial Account Numbers: Use last four digits only.
- Home Addresses in Criminal Cases: Use city and state only.

If these identifiers must be included in full in documents filed with the Court, unredacted documents may be filed under seal, together with redacted versions for the public file. If these identifiers are contained in the case caption, a motion to amend caption should be filed. Parties should also exercise caution in including other sensitive personal data in their filings, such as medical, financial, employment, and proprietary information.

CERTIFICATES OF CONFIDENTIALITY: Any motion, brief, appendix, or other document containing or otherwise disclosing materials sealed by another court or an agency shall be accompanied by a certificate of confidentiality, on the enclosed form, identifying the sealed items being submitted. Sealed material should be placed in a separate, sealed supplement to a brief, appendix, or other document, thereby avoiding the need to seal the entire item. Only four copies of the sealed item (including briefs and appendices) shall be filed, together with five copies of the certificate of confidentiality. The cover page of each copy of the document shall be conspicuously marked SEALED, and all copies shall be tendered in an envelope marked SEALED. If a notice of appeal or other preliminary papers containing material sealed by the district court or agency have already been filed, a certificate of confidentiality should be filed immediately, stating that documents on file with the Court contain sealed material. Loc. R. 10(d).

MOTIONS TO SEAL: Motions to seal all or any part of the record should be presented to the district court or agency in the first instance. In the rare event that a change of circumstances occurs during the pendency of an appeal that warrants reconsideration of a sealing issue decided below, or initial consideration of the need to seal all or part of the record on appeal, an appropriate motion may be filed with this Court, stating the reasons why sealing is necessary and why a less drastic alternative to sealing will not afford adequate protection. The material for which sealing is requested may be filed as a sealed supplement to the motion, and it will be held under seal pending the Court's disposition of the motion. Only four copies of the sealed supplement shall be filed. The cover page of each copy shall be conspicuously marked SEALED, and all copies shall be tendered in an envelope marked SEALED. Loc. R. 10(d).

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. _____ Caption: _____

CERTIFICATE OF CONFIDENTIALITY

Pursuant to Local Rule 10(d), counsel must place sealed material in a sealed supplement to the brief, appendix, or other document, thereby avoiding the need to seal the entire brief, appendix, or document. In compliance with Local Rule 10(d), _____ [name of party you represent], who is _____ [appellant, appellee, other], states that the record on appeal contains confidential materials sealed by the district court/agency and hereby certifies the following information:

1. Identity of the material sealed below:
2. Dates of the orders sealing the material or, if there is no order, the district court's or agency's general authority to treat the material as sealed:
3. Terms of the protective order:
4. Statement that sealed material has been placed in separate, sealed supplement and identity of the appellate document submitted for filing under seal: (*e.g.*, Presentence report has been placed in Sealed Vol. II of Appendix; Sealed argument has been placed in Sealed Supplement to Appellant's Brief):

A total of *four* copies of the appellate documents that are the subject of this certificate, together with *five* copies of this certificate, are submitted for filing. The documents are each conspicuously marked **SEALED** on their cover pages and enclosed in an envelope marked **SEALED**. A copy of this certificate must be served on opposing counsel with the sealed documents.

(date)

(signature)